

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 7, 2009**

DIVISION ONE

B208824      People                          (Not for Publication)  
v.  
E.L.

The judgment is affirmed.

Tucker, J. (Assigned)

We concur:   Mallano, P.J.  
                      Rothschild, J.

B203965      Gayle Tarkington and Joel Straub  
v.  
California Unemployment Insurance Appeals Board

Filed order denying petition for rehearing.

DIVISION THREE

B209843      K.J.      (Certified for Publication)  
v.  
Arcadia Unified School District

The judgment of dismissal is reversed and the matter is remanded to the trial court with directions to reinstate the first amended complaint against the District. K.J. shall recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

DIVISION THREE, (continued)

B208640      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
R.M.

The juvenile court's May 19, 2008, jurisdictional and dispositional orders are affirmed.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B211498      People      (Not for Publication)  
v.  
Manuel A. Gonzalez

The trial court's order denying Gonzalez's petition for writ of error coram nobis is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                 Aldrich, J.

B207663      People      (Not for Publication)  
v.  
Paul Richard Soliz

The section 667.5, subdivision (b) enhancement imposed on count 1 is ordered stricken. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Klein, P.J.  
                 Kitching, J.

April 7, 2009 (Continued)

### DIVISION THREE (continued)

B203757 People (Not for Publication)  
v.  
Issac Griggs

The trial court's order denying modification of the sentence is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

B205596      Aboutanos  
v.  
Franco, et al.

Filed order denying petition for rehearing.

B208959      Grimaldo  
v.  
Workers Compensation Appeals Board  
American Home Assurance, et al.

Filed order denying petition for rehearing.

## DIVISION FIVE

B203820      Rory CuIELlette      (Not for Publication)  
v.  
City of Los Angeles

The judgment is reversed. No costs are awarded.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

## DIVISION FIVE (continued)

B207058 People (Not for Publication)

V.

Wayne Edward Givehand

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.

Kriegler, J.

B204842 People (Not for Publication)

V.

Tiffany C. Johnson

The sentence is modified to stay execution of the entire sentence as to count 2 pursuant to section 654, subdivision (a). The abstract of judgment is modified to reflect 1,131 days of actual presentence custody credits and to strike the narcotics offender registration requirement. Upon remittitur issuance, an amended abstract of judgment is to be prepared reflecting the changes as set forth in this opinion and forwarded to the Department of Corrections and Rehabilitation.

Turner, P.J.

We concur:    Armstrong, J.

Mosk, J.

B210619 Los Angeles County, D.C.F.S. (Not for Publication)

**v.**

D.J.

In re A.A. et al., Persons Coming Under the Juvenile Court Law

The orders terminating parental rights are affirmed.

Armstrong, J.

We concur:   Turner, P.J.

Mosk, J.

April 7, 2009 (Continued)

## DIVISION FIVE (continued)

B209837 People (Certified for Publication)  
v.  
Albert Joe Valenzuela

The imposition of a \$300 section 290.3, subdivision (a) fine is reversed. The judgment is modified to include a \$200 section 290.3, subdivision (a) fine, state surcharge, and state court construction fee and the penalty assessment listed in the body of this opinion. Upon remittitur issuance, the clerk of the superior court is directed to prepare an amended abstract of judgment reflecting these modifications and forward a copy of the California Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

## DIVISION SIX

Court convened at 9:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B206207 Venoco, Inc. v. Gulf Underwriters Ins. Co.

Argument continued to May, 2009 calendar.

B209355      Child Welfare Services  
v.  
J.L.

Merits:  
Argued by Anne E. Fragasso for appellant and by Joel F. Block, Deputy  
County Counsel, for respondent. Cause submitted.

April 7, 2009 (Continued)

DIVISION SIX (continued)

B210281 Bay4 Capital  
v.  
Board of Trustees for California State University

Merits:

Argued by Tory Edward Griffin for appellant and by Peter M. Williams, Deputy Attorney General, for respondent. Cause submitted.

B209293 Wilson  
v.  
San Luis Obispo Co. Democratic Central Committee

Merits:

In open court appellant's request to continue oral argument is denied.

Appellant's request to file a written reply to the amicus curiae brief filed on April 2, 2009, by the California Democratic Party is granted. Appellant shall serve and file its written reply on or before April 23, 2009.

Argued by Dennis D. Law for appellant and by Saro G. Rizzo and Steward D. Jenkins for respondents. The matter shall stand submitted on April 23, 2009.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B208956 Park v. Countrywide Home Loans, Inc.

Argument continued to April 9, 2009.

B205503 Marriage of Baxley

Argument continued to May, 2009 calendar.

DIVISION SIX (continued)

B208005     Baylen  
              v.  
              Oxnard Manor L.P.

Merits:  
Argued by Matthew G. Kleiner for appellants and by Wendy C. Lascher for respondents. Cause submitted.

Yegan, J. left the bench.

B208570     Granger  
              v.  
              Stout

Merits:  
Argued by Aris Karakalos for appellant and by Paul B. Blatz for respondent. Cause submitted.

B206335     Delwiche  
              v.  
              The Wright Family "H" Limited Partnership

Merits:  
Argued by Tim Trager for appellants and by John Gregory Derrick for respondent. Cause submitted.

B208066     Lopate  
              v.  
              City of El Paso De Robles

Merits:  
Argued by Michael R. Jenks for appellant and by Kara K. Ueda for respondent. Cause submitted.

Court adjourned.

April 7, 2009 (Continued)

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

B203687      Dimaond Game Enterprises      (Not for Publication)  
v.  
Whipple

The appeal from the judgment is dismissed. The order denying the motion to vacate the judgment is affirmed. Diamond is to recover its costs on appeal.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

B206686 Martin et al., (Not for Publication)  
v.  
Bridgeport Community Association, Inc.,

The judgment, including the award of attorney's fees, is affirmed. BCA is to recover its costs on appeal.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.



## DIVISION SEVEN (continued)

B212023      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
J. W.

The order summarily denying Mother's 388 petition and the order terminating her parental rights over Daughter are affirmed.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

B209802 People (Not for Publication)  
v.  
B. R.

The disposition order is reversed to the extent it fails to specify whether the second degree burglary is a felony or a misdemeanor and imposes improper probation conditions. In all other respects, it is affirmed. The matter is remanded to the juvenile court with directions to conduct a new disposition hearing not inconsistent with this opinion, and specifically, (1) to determine on the record whether the second degree burglary offense is a felony or a misdemeanor, (2) to include expressly a knowledge requirement in the minor's conditions of probation, and (3) to ensure all conditions of probation are stated in both the oral pronouncement of judgment and the minute order of the disposition hearing.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

April 7, 2009 (Continued)

## DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION EIGHT

B208434 Harutyunyan (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People of the State of California, r.p.i.)

The petition for a writ of mandate is denied and remanded with directions to hold a preliminary hearing within 10 days after this opinion has become final.

Flier, J.

We concur: Rubin, Acting P.J.  
Bigelow, J.

B207743      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
E.M.

The order terminating jurisdiction and awarding joint legal custody is affirmed.

O'Neill, J. (Assigned)

We concur: Flier, Acting P.J.  
Bigelow, J.

## DIVISION EIGHT (continued)

B203625 People (Not for Publication)  
v.  
Spikes

The conviction on count 4 (assault with a deadly weapon) is reversed and the matter remanded for a new trial on that count. The trial court is ordered to modify appellant's sentence to stay the two-year term imposed on count 8 (possession of ammunition) and to correct the abstract of judgment to reflect that the prior conviction enhancement was imposed pursuant to section 667.5 (see fn. 2, ante). In all other respects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Bigelow, J.  
Bauer, J. (Assigned)

B200824 William Robert Abbot (Not for Publication)  
v.  
Kathleen Kitts and J. Michael Kelly

The orders of the trial court are affirmed. Respondent shall collect her costs incurred in this appeal.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.  
Bigelow, J.

B196220      Dome Entertainment Center, Inc.,      (Not for Publication)  
v.  
Odes H. Kim

The judgment is affirmed. Respondent is awarded its costs on appeal.

Bigelow, J.

I concur: Flier, J.  
I dissent: Rubin, Acting P.J. (Opinion)